

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION**

Donald Needham,

Plaintiff,

v.

Case No. 1:19cv294

Butler County Jail, *et al.*,

Judge Michael R. Barrett

Defendants.

ORDER

This matter is before the Court on the Report and Recommendation (“R&R”) filed by the Magistrate Judge on November 12, 2019 (Doc. 41).

Proper notice has been given to the parties under 28 U.S.C. § 636(b)(1)(C), including notice that the parties would waive further appeal if they failed to file objections to the Report and Recommendation in a timely manner. *United States v. Walters*, 638 F.2d 947 (6th Cir. 1981). No objections to the Magistrate Judge’s R&R (Doc. 41) have been filed.

Accordingly, it is **ORDERED** that the R&R (Doc. 41) of the Magistrate Judge is hereby **ADOPTED**. Consistent with the recommendation by the Magistrate Judge, the Amended Complaint (Doc. 29) is **STRICKEN**; plaintiff’s Motion to Amend (Doc. 31) is **DENIED**; and plaintiff’s Motion for “Statute of Limitations Tolling” (Doc. 32) is **DENIED**. This matter shall proceed on plaintiff’s Eighth Amendment claim against defendant Blanton.

IT IS SO ORDERED.

s/Michael R. Barrett
Michael R. Barrett, Judge
United States District Court